

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOSEPH SIMMONS,	:	
Plaintiff,	:	
	:	
v.	:	Civil No. 2:22-cv-01644-JMG
	:	
THE CITY OF PHILADELPHIA, <i>et al.</i> ,	:	
Defendants.	:	

SCHEDULING ORDER

AND NOW, this 17th day of May, 2024, following a pretrial conference with counsel, and pursuant to Federal Rule of Civil Procedure 16 and Local Rule of Civil Procedure 16.1(b), **IT IS HEREBY ORDERED** as follows:

1. The parties shall meet and confer no later than **May 31, 2024**, to discuss setting aside dates for depositions.

2. A status conference with counsel is scheduled for **Tuesday, August 13, 2024, at 10:30 a.m.** Plaintiff's counsel shall provide the Court and opposing counsel with conference bridge details (such as a telephone number and access code) no later than **Monday, August 5, 2024**. The parties should be prepared to discuss the status of discovery, settlement discussions, if any, and the dates the parties have jointly set aside for depositions.

3. A status conference with counsel is scheduled for **Thursday, November 14, 2024, at 2:00 p.m.** Plaintiff's counsel shall provide the Court and opposing counsel with conference bridge details (such as a telephone number and access code) no later than **Monday, November 4, 2024**. The parties should be prepared to discuss the status of discovery, settlement discussions, if any, and the dates the parties have jointly set aside for depositions.

4. All fact and expert discovery shall be completed no later than **January 17, 2025**.

5. Affirmative expert reports, if any, are due by **November 18, 2024**.
6. Rebuttal expert reports, if any, are due by **December 18, 2024**.
7. Expert depositions, if any, shall be concluded no later than **January 17, 2025**.
8. Any party expecting to offer opinion testimony from lay witnesses pursuant to Federal Rule of Evidence 701 with respect to the issues of liability and damages shall, at the time required for submission of information and/or reports for expert witnesses on liability and damages set forth in the preceding paragraph, serve opposing parties with concise details and/or documents covering the lay opinions of the Rule 701 witnesses, including the identity of each witness offering the expert opinion, the substance and the basis for each opinion.
9. Motions for summary judgment and *Daubert* motions, if any, shall be filed by **January 31, 2025**. Responses shall be filed no later than **February 14, 2025**. Motions and responses shall be filed in the form prescribed in Judge Gallagher's Policies and Procedures.
10. No later than **April 11, 2025**, counsel for each party shall serve upon counsel for every other party a copy of each exhibit the party expects to offer at trial.
11. No later than **April 25, 2025**, each party shall file with the Clerk of Court a pretrial memorandum. The pretrial memorandum should be prepared in accordance with the provisions of the Local Rule of Civil Procedure 16.1(c) and should also include the following items:
 - (a) All stipulations of counsel.
 - (b) A statement of objection to: (1) the admissibility of any exhibit based on authenticity; (2) the admissibility of any evidence expected to be offered for any reason (except relevancy); (3) the adequacy of the qualifications of an expert witness expected to testify; and (4) the admissibility of any opinion testimony from lay witnesses pursuant to Federal Rule of Evidence 701.

Such objection shall describe with particularity the ground and the authority for the objection.

(c) Deposition testimony (including videotaped deposition testimony) that the party intends to offer during its case-in-chief. The statement should include citations to the page and line number and the opposing party's counter-designations.

(d) A statement of any anticipated important legal issues on which the Court will be required to rule, together with counsel's single best authority on each such issue.

12. All motions *in limine* shall be filed no later than **May 2, 2025**. Responses, if any, shall be filed no later than **May 9, 2025**.

13. No later than **May 2, 2025**, any objections to designations of deposition testimony shall set forth the page and line numbers of the challenged testimony and a clear statement for the basis of that objection. The objecting party must provide the Court with a copy of the deposition transcript with the challenged testimony highlighted. Any objection not made in conformity with this Order will be deemed waived.

14. No later than **May 2, 2025**, the parties shall file with the Clerk of Court joint proposed jury instructions on substantive issues and proposed verdict forms or special interrogatories to the jury. Each party shall also file proposed jury instructions, verdict forms or special interrogatories on those issues not agreed upon by the parties in their joint submission.

15. The court will hold a final pretrial conference on **Wednesday, May 21, 2025, at 1:30 p.m.**, at 504 West Hamilton Street, Courtroom 4B, Allentown, Pennsylvania. Counsel shall be prepared to address any pending motions *in limine* and objections to witnesses and exhibits. Trial

counsel must attend the final pretrial conference and only those attorneys attending the conference may participate in the trial.

16. The selection of a jury shall take place on **Friday, May 30, 2025, at 9:00 a.m.** Jury selection will take place at the James A. Byrne United States Courthouse, 601 Market Street, Philadelphia, Pennsylvania, in a courtroom to be determined.

17. A jury trial shall resume before this court on **Monday, June 2, 2025, at 9:00 a.m.** at 504 West Hamilton Street, Courtroom 4B, Allentown, Pennsylvania.

18. This order shall serve as a formal attachment for trial.

BY THE COURT:

/s/ John M. Gallagher

JOHN M. GALLAGHER

United States District Court Judge